

**The Bill Blackwood  
Law Enforcement Management Institute of Texas**

=====

**Utilizing Communication of Internal Affairs Issues to Create Confidence,  
Trust and Accountability**

=====

**An Administrative Research Paper  
Submitted in Partial Fulfillment  
Required for Graduation from the  
Leadership Command College**

=====

**By  
Tabitha M. Stanley**

**Midland Police Department  
Midland, Texas  
July 2004**

## **ABSTRACT**

Officers are complaining of injustice from their own professional standards division, also known as Internal Affairs. It is imperative that officers have the utmost confidence that they are being treated equitably and justly in every Internal Affairs investigation and disciplinary action. The Midland Police Department should take a progressive step forward for the sake of their officers and create a remedy to these often-perceived discrepancies in disciplinary treatment. Because of rumors officers, whether being investigated or simply watching from the sidelines, feel that the Internal Affairs personnel or the disciplinary administrators are not held accountable for their decisions and are potentially basing their decisions on race, sex, or status within our Midland Police Department.

The most important information the author derived was from Belasco, it was what she calls a "Personnel Order" (2000b, p. 1). Belasco's definition of a Personnel Order is a report prepared by the Chief of Police or a division head of Internal Affairs. This report contains such information as: charges brought against the officer, specific alleged rule violations, sustained and unsustained charges, and imposed discipline. This research seeks to create a system of communication that will rebuild confidence that the Internal Affairs and disciplinarians are executing fair and just investigations and evenhanded discipline. The research question to be examined is whether the employees of the Midland Police Department would regain trust for disciplinary actions if a supplemental report was issued regarding the name, sex, race, violation, disposition, and if necessary, the disciplinary actions received in each case. This research was conducted due to disparities in discipline that were being assigned for different officers and similar violations within the Midland Police Department. The department has a need to create a consistent and equitable form of disciplining officers. Without effective communication from administrators it is felt that the Internal Affairs personnel or the disciplinary administrators are not being held accountable for their decisions.

## TABLE OF CONTENTS

	Page
Abstract	
Introduction. . . . .	1
Review of Literature . . . . .	2
Methodology . . . . .	5
Findings . . . . .	6
Discussions/Conclusions . . . . .	10
References . . . . .	13
Appendix	

## INTRODUCTION

There is an all too common phenomenon occurring in police departments across the United States, in particular the Midland Police Department (MPD). It affects officers no matter what their gender or ethnic background and regardless of what their status within the aforementioned department. Officers are complaining of injustice from their own professional standards division, also known as Internal Affairs. Discrimination, in one form or another, is usually the outcry from the MPD officers disciplined for various violations of the law or departmental policies. It is imperative that officers have the utmost confidence that they are being treated equitably and justly in every Internal Affairs investigation and disciplinary action. The Midland Police Department should take a progressive step forward for the sake of their officers and create a remedy to these often-perceived discrepancies in disciplinary treatment. Existing policies should be modified to include what Belasco (2000, p. 1) calls "Personnel Orders," to create a sense of informed confidence that equality for everyone is a priority.

The deficiency in communication of disciplinary actions from one officer to another creates an environment of mistrust from the employees and either perceived or real inequities of resulting dispositions. Often, rumors circulate throughout the department regarding pending investigations and the anticipated outcomes. This circulation of misinformation leads to mistrust and exaggerations within our agency. The officers, whether being investigated or simply watching from the sidelines, feel that the Internal Affairs personnel or the disciplinary administrators are not held accountable for their decisions and are potentially basing their decisions on race, sex, or status within our Midland Police Department.

## REVIEW OF LITERATURE

While researching the proposal of creating an atmosphere of equity and justice for all officers in our department, it was found that the specific approach regarding the idea of Personnel Orders (Belasco, 2000) has not had a significant amount of literature written. However, research was conducted utilizing the library resources at Sam Houston State University as well as written papers within the Midland Police Training Library and Texas Public Information Laws. Information was also available via the World-wide Internet.

Belasco (1999) addressed the necessity of making it known to the officers and the public that investigations are handled in a serious and professional manner, while also keeping the entire file from falling into the media's hands. The points made are: 1) future investigations, 2) hesitation of future complainants, 3) free expression of opinions and details in the report by internal affairs investigator without fear of reprisal, 4) and potential law suits from protected files. Complainants should be given a copy of their complaint and documentation concerning the final outcome and given an opportunity to personally speak to an investigator to address any final questions or concerns. Also, covered is the issue of handling the media as if the case were a criminal investigation and pertinent information should be withheld until necessary to reveal the final outcome and any discipline imposed.

Belasco (2000b) discussed several pertinent questions that should be asked before deciding to disclose information from an internal investigation. Some of these questions are (Belasco, 2000b, p. 3): "Who will receive the information? Why distribute the decision? And what other documents will be released?" There is a potential need to review an officer's file for previous disciplinary concerns of similar nature and what was done in these instances. This was pointed out as a useful tool in preventing discriminatory discipline. The most important

information the author derived from this article was what Belasco calls a “Personnel Order” (2000b, p. 1). Belasco’s definition of a Personnel Order is a report prepared by the Chief of Police or a division head of Internal Affairs. This report contains such information as: charges brought against the officer, specific alleged rule violations, sustained and unsustained charges, and imposed discipline. She also made a point to state that specifics are not necessary in such a report. This helps keep confidentiality of the investigation intact. Belasco (2000a) interpreted the various levels of disclosure, for instance: disclosure at department level, appellate level, and the public and media level. Within the confines of this article is the continued need to protect information.

From within the Midland Police Department’s training records, Reynolds (2002) covered the issue similarly, however, from the theories built through the West Point training course. One of the topics Reynolds brought to attention is the fact that “disciplinary investigations and actions at the Midland Police Department are almost always shrouded in secrecy” (2002, p. 5). At the time Reynolds wrote this comment he was the Professional Standards Lieutenant. He addressed the fact that confidentiality was of utmost importance during the investigation, but that something needed to be done in the aftermath of the investigation. Some problems that arose from not communicating properly according to Reynolds are rumors that have exaggerated and added information from the actual incident. Reynolds recommended these strategies to help with the inequitable disciplinary actions: immediate punishment, firmness, fairness, and uniform punishment. Another important concept that affects discipline is that “employees are learning observationally” (Reynolds, 2002, p. 2). Lastly he made a point to state that leaders and employees need accurate and timely information to maintain a trusted relationship. All of these issues are important to restoring equity among disciplinary actions within our department.

An official ruling from the Office of the Attorney General for the State of Texas regarding closed internal affairs investigations was found to be very important to the legal aspect of this research. John Cornyn, then Attorney General, responded to inquiry #ID158767 regarding Section 552.108 of the Public Information Act. A.G. Cornyn stated that the following categories of information were considered public information and not excepted from required disclosure, unless confidential under other laws: “a completed report, evaluation, or investigation made of, for, or by a governmental body, except as provided by Section 552.108.” Section 552. 108 reads as:

- (a) Information held by law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of a crime is excepted from the requirements of Section 552.021 if: (2) it is information that deals with the detection, investigation, or prosecution of crime only in relation to an investigation that did not result in conviction or deferred adjudication; (b) An internal record or notation of a law enforcement agency or prosecutor that is maintained for internal use in matters relating to law enforcement or prosecution is excepted from requirements of Section 552.021 if: (2) the internal record or notation relates to law enforcement only in relation to an investigation that did not result in conviction or deferred adjudication.

In this ruling A.G. Cornyn ordered the completed internal affairs investigation records be released to the requestor, as they do not fall under the above stipulations. The exception would be if there was pending litigation or reasonably anticipated litigation and the information contained within the report is related to that investigation.

While researching the Texas Local Government Code another code that affects this research topic was discovered, Code § 143.089 (2002). In summary this code mandates that personnel files be maintained on both fire and police personnel and that any commendations or reprimands be maintained in this file. However, the case notes expound on the disclosure of these files saying that personnel issues are not privileged information that may be obtained in the filing of open records, but use of force reports and the like are not administrative in nature,

therefore not personnel related and not protected. Furthermore, according to Local Government Code 552.101 any information on record for an ongoing investigation is protected and may not be released until the investigation is completed.

## **METHODOLOGY**

The goal of this research is to explore practical, legal, and ethical solutions in this breakdown of information and trust. Second, this research seeks to create a system of communication that will rebuild confidence that the Internal Affairs and disciplinarians are executing fair and just investigations and evenhanded discipline. The research question to be examined is whether the employees of the Midland Police Department would regain trust for disciplinary actions if a supplemental report was issued regarding the name, sex, race, violation, disposition, and if necessary, the disciplinary actions received in each case. To obtain a fair and balanced view of the feelings within the department a survey was conducted.

## **FINDINGS**

In an effort to gain a better picture of the numbers the author took the total, 81, and broke them down even further. The author only covered the major issues of interest. As regards to the question if publishing an internal Personnel Order would create a greater feeling of trust, accountability, and equity of discipline the author broke these down by years of service, and position in the department. Interestingly enough the group of employees from 11-20 years was the least likely to expect a report to improve the trust and accountability. When the position within the department was reviewed it was found most of the Administration seemed to believe that a report would somewhat or greatly affect accountability and trust, only 9% disagreed. Mid-level supervisors however, were less optimistic; 25% disagreed that a report would improve



accountability and trust. Twenty-one percent of the officers and detectives believed a report would be ineffective, while the rest thought it might help. And civilians only disagreed at a rate of 11%. The author also found that the majority of administrator's felt the disciplinary actions were fair, as well as the mid-line supervisor; however, officers and detectives had a 85% belief that they were not handled fairly.

The author had the opportunity to speak to the Personnel Standards Lieutenant who oversees the internal affairs investigations and disciplinary actions. He was very much in favor of such a report, and as mentioned prior had written a paper in another class regarding his desire to find a suitable system of communication within the department. His major concerns were determining Texas State Open Record Laws to prevent infringing on any privacy laws.

The author sat in on a West Point Leadership session in which one of our administrators was teaching. During his presentation he indicated that he would not make the information of an internal affairs investigation public by putting it in a supplemental report form. After this statement the author visited with him one on one to determine where his thoughts were derived. This administrator stated that he apparently gave the wrong impression, as he would not be completely objectionable to some form of report. His major concern was the liability of releasing potentially protected information. After discussing this with him and explaining that in the State of Texas a completed Internal Affairs report is retrievable as an Open Record, and no information would be considered protected at that point, he stated he would not have a problem with such a report.

The author also had the opportunity to give a brief presentation to the Command Staff at one of their regular meetings in reference to a Personnel Order. During this meeting the pros and cons of creating a Personnel Order were discussed. The major concern, as stated before, were

potentially violating protected information and being liable for the consequences. Another administrator assisted by providing an example with the previous years internal affairs investigations that had been completed and in a brief report form. This report would include the officers name, the alleged violation, disposition of the investigation and when necessary the disciplinary action taken. After reviewing this report the command staff was in favor of developing a policy regarding a routine Personnel Order. The fear they had was that all of the details of the violation, and details of the investigation were going to be published throughout the department. When this belief was diminished the majority were in acceptance with a few revisions.

The author discussed the entire research question with the Chief of Police prior to delving into the process. The Chief was very supportive and reviewed the survey prior to disseminating the survey; he made no changes except to add civilians to the choices. He was very aware of the growing morale problem specifically related to the perceived inequity of discipline for officers. The Chief was willing to take whatever legal, ethical and moral steps he could to resolve the situation. He is also in support of creating a Personnel Order.

Some examples of the disparity in disciplinary actions include: family violence offenses, theft, lying, and insubordination. On one account a white male officer allegedly slapped his wife, which she initially reported. After some review of the case she refused to cooperate, however, he was still filed against criminally and terminated. On a similar situation a Hispanic, male officer is accused of slapping his wife and pulling her hair, he admitted to it and was not even put on suspension. He later received a letter of reprimand when she refused to cooperate. In another instance a white, male officer finds a box of collectables that had obviously fallen from a vehicle. The owner had seen the officer retrieve the items as he tried to get back to the

location. The owner waited for the next business day and attempted to retrieve the items at the police department, they had not been turned in. Several days later the same officer took the items to a local collector's store and attempted to sell the collectables to the store, the owner is also a sheriff deputy and realized this was suspicious. The officer was then investigated for theft, and lying

upon initial questioning. The officer was later terminated and no charges filed. In another theft case a Hispanic; male sergeant was accused of theft of service for charging a company for extra-time worked, which had in fact not been worked according to his invoice. He initially lied on his memo, and then admitted that he had over charged the company by a couple of hours. His punishment was revoking his off-duty work permit for 30 days. These are only a couple out of several instances with similar results.

By reviewing the stake holder's accounts it seems evident that the equitable treatment of officers being disciplined is the major complaint. Finding a solution to reach a compromise between the disciplinary decision makers and those affected by the decision is the goal of this research. In doing so, it is the researcher's conclusion that creating a Personnel Order to be published internally at the completion of an Internal Affairs Investigation is a sound resolution. By publishing the name, violation, disposition and if necessary the discipline of each completed investigation it would have a two-way cause and effect. First, by the disciplining parties having the knowledge that their decision will be made public it will force them to concentrate on the violation at hand, and not put so much weight on whom is the violator. This since of accountability to the department for decisions does not currently exist. The other side of the picture is that when the general personnel of the department are given the actual violation and discipline in writing it will remove the majority of the effect of the rumor mill. This, along with

the proposed better judgment making of the disciplinarians will create a better since of trust and accountability from the officers. The command staff of the Midland Police Department has reviewed the findings of the survey completed. They have heard the proposition regarding a Personnel Order report and have agreed that it would serve in the best interest of the department. They have requested a format be derived and a policy within the realms of the law be put in place.

## CONCLUSION

This research was conducted due to disparities in discipline that were being assigned for different officers and similar violations within the Midland Police Department. These disparities were creating a feeling of animosity on several levels: between peers, between line officers and administrators and between different ethnicities within the department. The department has a need to create a consistent and equitable form of disciplining officers. The officers had begun to vocalize their discontent and mistrust for their leaders and administrators. There seemed to be a major breakdown in communication that was at the heart of the matter. It was felt that if some form of communication, such as a Personnel Order (Belasco, 2000), could be implemented this would help create a sense of informed confidence that equality for everyone is a priority.

It has been reasoned that deficiencies in communication of disciplinary actions from one officer to another has created an environment of mistrust from the employees and perceived inequity of resulting dispositions. Rumors of pending investigations and allegations spread rapidly; however, they were without fail substantially exaggerated. The mind set seemed to be that it did not matter what you had done to violate the law or policies, but who you were that would weigh heaviest in disciplinary process. Without effective communication from

administrators it is felt that the Internal Affairs personnel or the disciplinary administrators are not being held accountable for their decisions and are potentially basing their decisions on race, sex or status within our department.

The hypothesis is to create a practical, legal and ethical solution in this breakdown of information and regenerate trust. Secondly, to construct a system of communication that will rebuild confidence that the Internal Affairs and disciplinarians are executing fair and just investigations and evenhanded discipline. The research question being examined is whether the employees of the Midland Police Department will regain trust for disciplinary actions if a supplemental report was issued regarding the name, sex, race, violation, and disposition and if necessary the disciplinary actions received in each case.

Currently the City of Midland Police Department's policy regarding Internal Affairs investigations is as such: the allegation or complaint is filed, if it is a criminal case it is investigated criminally, then an internal investigation is completed and the investigation is reviewed by the chain of command of the violator, up to the Chief of Police. This group of administrators reviews the facts of the case, prior incidents involving the suspected officer and presumably a review of precedent set by similar cases. However, in many instances similar violations are being treated with extreme differences in discipline.

The intended outcome of this research is to have the Midland Police Department begin utilizing the Personnel Order Belasco (2000) suggests. This model utilizes the dissemination of basic information after the final disposition of an investigation. The benefit of this research to the law enforcement community, specifically the Midland Police Department, is to find a way to suppress rumors and open communication between the Professional Standards Division and the rest of the department, thereby creating a feeling of confidence in the actions taken,

accountability for the administrative disciplinarians and equity for every officer investigated in the future.

## REFERENCES

- Belasco, J.L. (1999). Protecting internal affairs records from unwarranted disclosure. *Police Department Disciplinary Bulletin*, Boston, (7)12, 2-4
- Belasco, J.L. (2000a). Decisions, decisions, decisions: Issues involved in disciplinary hearing decisions. *Police Department Disciplinary Bulletin*, 8)1, 2-4.
- Belasco, J.L. (2000b). Handling unsustained complaints. *Police Department Disciplinary Bulletin*, Boston, (8) 6, 2-3.
- Texas Government Code 143.089 (2002). *Texas Statutes and Codes Annotated by LexisNexis™*. Retrieved June 12, 2003, from <http://web.lexis-nexis.com/universe/document>.
- Reynolds, Jim. (2002). Communication within the disciplinary process (Midland Police Department West Point Leadership Instructional Course Paper).

## Appendix

1. Are you considered: A. Administration B. Mid-Level Supervisor  
C. Officer/Detective D. Civilian
2. Do you feel internal investigations within your agency are investigated fairly and impartially?  
A. Not at all (28%) B. Somewhat (36%) C. Mostly (36%)
3. Do you feel disciplinary actions are equally distributed for equivalent violations/complaints?  
A. Not at all (58%) B. Somewhat (30%) C. Mostly (12%)
4. How does the “rumor mill” of current or completed investigations affect the morale of you agency?  
A. Not at all (3%) B. Somewhat (42%) C. Greatly (49%)
5. Would internally publishing a quarterly Personnel Order (IA Report) containing basic information such as sex, race, general complaint, disposition and if necessary disciplinary action create a greater feeling of trust, accountability and equity for discipline within your agency?  
A. Not at all (19%) B. Somewhat (53%) C. Greatly (27%)
6. How long have you been employed with your agency?  
A. 1-5 yrs B. 6-10 yrs C. 11-15 yrs D. 16-20 years E. 21+yrs